

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VICTOR BERNARD JONES,

Defendant.

No. 09-CR-83-LRR

ORDER

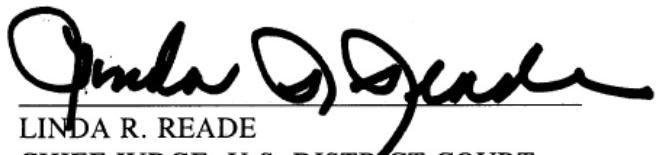
The matter before the court is Defendant Victor Bernard Jones's Motion to Suppress ("Motion") (docket no. 17). United States Magistrate Judge Jon S. Scoles issued a report and recommendation ("Report and Recommendation") (docket no. 49) on the Motion in which he recommended that the undersigned deny the Motion as moot.

On December 8, 2009, a grand jury returned a two-count Indictment (docket no. 2) against Defendant. Counts 1 and 2 charged Defendant with Distribution of Heroin within 1,000 Feet of a School, in violation of 21 U.S.C. §§ 841(a)(1), 851 and 860. On January 11, 2010, Defendant filed the Motion. On January 20, 2010, Judge Scoles held a hearing on the Motion. Attorney Webb L. Wassmer represented Defendant, who was personally present. Special Assistant United States Attorney Daniel A. Chatham represented the government. On February 3, 2010, Defendant entered an unconditional plea of guilty before Judge Scoles. That same date, Judge Scoles issued a report and recommendation (docket no. 47) in which he recommended that the undersigned accept Defendant's guilty plea. Also on that date, Judge Scoles issued the Report and Recommendation. The Report and Recommendation stated: "within fourteen (14) days after being served with a copy of this Report and Recommendation, any party may serve and file written objections with the District Court." Report and Recommendation at 2. On February 18, 2010, the undersigned accepted Defendant's guilty plea (docket no. 51).

The time to object to the Report and Recommendation has expired. Defendant has not filed any objections to the Report and Recommendation. Defendant has thus waived his right to de novo review of the Report and Recommendation. *See, e.g., United States v. Rodriguez*, 484 F.3d 1006, 1010-11 (8th Cir. 2007) (“[Defendant’s] ‘failure to file any objections waived his right to de novo review by the district court of any portion of the report and recommendation of the magistrate judge as well as his right to appeal from the findings of fact therein.’” (quoting *United States v. Newton*, 259 F.3d 964, 966 (8th Cir. 2001)). The court finds no plain error in Judge Scoles’s decision. Accordingly, the court **ADOPTS** the Report and Recommendation (docket no. 25). The Motion (docket no. 17) is **DENIED AS MOOT**.

IT IS SO ORDERED.

DATED this 18th day of February, 2010.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA